IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15882 of 2005

Between:

Kota Punna rao, S/o.K.V.Ranga Rao,
R/o.Potluru (Village & Post), Savalyapuram Mandal, Guntur district.

..... PETITIONER

AND

Assistant Divisional Engineer, Operations, APSPDCL, Vinukonda.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction one in the nature of Writ of Mandamus declaring the provisional assessment notice in Lr.No.ADE/OSD/VKD/F.Dkt/D.No.21/05 dt.16-4-2005 issued by the respondent as illegal and without jurisdiction and consequently set aside the impugned demand and the order of disconnection made in terms of the said notice and pass such other order or orders.

Counsel for the Petitioner: MR.SINGAM SRINIVASA RAO

Counsel for the Respondent : MR.V.AJAYAKUMAR,APSPDCL

The Court, at the stage of admission, made the following :

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ORAL ORDER

It is the agreed position on law between the parties herein that the writ petition requires to be allowed and the order of the demand has to be set aside in view of the judgment of the Division Bench of this Court dated 11-03-2004 in Writ Appeal Nos.452 and 477 of 2004.

Accordingly the provisional assessment notice dated 16-04-2005 including the demand raised therein and the order of disconnection made pursuant to the orders therein are set aside. The respondent is however at liberty to issue a fresh provisional assessment notice in accordance with the law declared in the judgment aforesaid.

The writ petition is allowed at the stage of admission. No order as to costs.

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GODA RAGHURAM,J

22ND JULY 2005

*TSNR

TO

1. The Assistant Divisional Engineer, Operations, APSPDCL, Vinukonda.
2. Two C.D.Copies.